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6 Attorneys for Defendants
7 CITY OF MADERA, DORIAN LASSO, ROBERT
MAHONEY, and ANTHONY MARTINEZ

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

11 LISA NOVAK and PATRICK NOVAK,
12 as the heirs and representative of the
decedent, Michael Robert Novak

Case No. 1:20-cv-00301-DAD-SKO

**STIPULATION AND ORDER TO VACATE
SETTLEMENT CONFERENCE**

(Doc. 46)

15 CITY OF MADERA, a municipal entity of
16 the State of California, DORIAN LASSO,
17 ROBERT MAHONEY, and ANTHONY
MARTINEZ and DOES 1 through 10
inclusive.

Defendants.

19 Counsel for Plaintiffs LISA NOVAK and PATRICK NOVAK (“Plaintiffs”) by and
20 through their attorneys Todd Emanuel and Michael Farbstein, and Defendants CITY OF
21 MADERA, DORIAN LASSO, ROBERT MAHONEY, and ANTHONY MARTINEZ
22 (“Defendants”), by and through their attorneys, Patrick Moriarty and Dale Allen, stipulate as
23 follows:

21 1. On March 5, 2021, the Court set a settlement conference before Magistrate Judge
25 Sheila K. Oberto scheduled for January 27, 2022 (Dkt. 17).

26
27 2. On October 1, 2021, Defendants filed a Motion for Summary Judgment or, in the
Alternative, Summary Adjudication, with a hearing date of November 2, 2021. (Dkt 30).

1 3. On October 4, 2021, the Court issued a minute order stating that the motion would
2 be decided on the papers unless the Court determines that a hearing is necessary, at which point a
3 hearing would be specially set. (Dkt 31).

4 4. Plaintiffs filed their opposition on November 19, 2021. (Dkt 36). Defendants filed
5 their reply on December 14, 2021. (Dkt 42).

6 5. On January 5, 2022, the Court issued an order Vacating the Pretrial Conference set
7 for March 7, 2022 pending the court's ruling on the pending motion for summary judgment. (Dkt
8 43.)

9 6. On January 5, 2022, the parties contacted Judge Oberto's chambers inquiring
10 about re-scheduling the Settlement Conference. Judge Oberto's clerk informed the parties that her
11 next availability would be May 2022.

12 7. On January 11, 2022, Judge Oberto issued an order resetting the settlement
13 conference for May 24, 2022 at 10:30 a.m.

14 8. While parties are awaiting a ruling on Defendants' Motion for Summary Judgment
15 and a Trial date, parties have agreed to vacate the Settlement Conference currently scheduled for
16 May 24, 2022.

17 9. Parties agree to reschedule the Settlement Conference once a date for trial has been
18 set.

19
20 IT IS SO STIPULATED, through counsel of record.

21
22 Respectfully submitted,

23 Dated: March 28, 2022

24 EMANUEL LAW GROUP

25 By: /s/ Todd P. Emanuel

26 TODD P. EMANUEL

27 Attorney for Plaintiffs

28 LISA NOVAK and PATRICK NOVAK, as

the heirs and representatives of the decedent,

Michael Robert Novak

1 Dated: March 28, 2022

2 ALLEN, GLAESSNER,
3 HAZELWOOD & WERTH, LLP

4 By: /s/ Patrick Moriarty
5 PATRICK MORIARTY
6 Attorneys for Defendants
7 CITY OF MADERA, DORIAN LASSO,
8 ROBERT MAHONEY, and ANTHONY
9 MARTINEZ

10 **ORDER**

11 Pursuant to the parties' foregoing stipulation (Doc. 46), and for good cause shown,

12 **IT IS ORDERED** that:

13 1. The settlement conference currently scheduled for May 24, 2022, before the
14 Honorable Magistrate Judge Sheila K. Oberto is hereby VACATED, to be re-set after
15 Defendants' pending motion for summary judgment (Doc. 30) is resolved; and

16 2. Following the ruling on the motion, parties SHALL meet and confer and file,
17 within seven days of the ruling, a joint status report setting forth (1) the status of their settlement
18 negotiations, and (2) three to four mutually agreeable dates for a settlement conference (the
19 undersigned holds settlement conferences on Tuesdays and Thursdays at 10:00 a.m.).

20 IT IS SO ORDERED.

21 Dated: March 29, 2022

/s/ Sheila K. Oberto

22 UNITED STATES MAGISTRATE JUDGE